

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JOSEPH EUGENE HOWARD,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-11006

WEST VIRGINIA DIVISION OF CORRECTIONS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's Second Amended Complaint, filed on April 29, 2015. (ECF No. 98.) On May 14, 2013, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations for disposition. On March 25, 2016, Magistrate Judge Tinsley filed a proposed findings and recommendation ("PF&R"), (ECF No. 117), recommending that this Court dismiss Plaintiff's claims for monetary damages against the West Virginia Division of Corrections and the West Virginia State Police, and further dismiss those parties as defendants in the current action.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not

conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

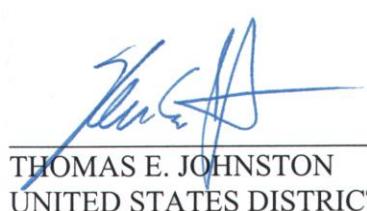
Objections to the PF&R were due on April 11, 2016. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 117), and **DISMISSES** Plaintiff’s claims against the West Virginia Division of Corrections and the West Virginia State Police, including the request for monetary damages against these defendants contained in paragraph 16 of the Second Amended Complaint. The Court **DIRECTS** the Clerk to remove the West Virginia Division of Corrections and the West Virginia State Police from the docket as parties to the present action.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 22, 2016



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE